

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

FILED
RICHARD W. HAGEL
CLERK OF COURT

2019 AUG 22 AM 10:00

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

3:19mj516

Priority Mail Express Package Tracking Number 9505515910439231325567,
postmarked August 21, 2019, weighing 2 pounds 6 ounces addressed 419
Summit St Piqua, OH, 45356 Zack Myer, with a return address of 731 NE Ford
St McMinnville, OR 97128 Jose Morales.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Package Tracking Number 9505515910439231325567

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
841 (a) (1), 843 (b) & 846	Possession with intent to distribute a controlled substance
	Use of communication facility to commit felony
	Conspiracy to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector Rossiter

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 8/22/19

City and state: Dayton, Ohio


Applicant's signature
Joseph L. Rossiter, U. S. Postal Inspector
Printed name and title

Judge's signature
Honorable Michael J. Newman
United States Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
DAYTON, OHIO

STATE OF OHIO)
) SS
COUNTY OF MONTGOMERY)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, JOSEPH ROSSITER, HAVING BEEN DULY SWORN, DEPOSE AND STATE: I am a United States Postal Inspector and have been since May 2016. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for southeast Indiana and southern Ohio. Part of my responsibility involves investigating the use of the United States Mail in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").

Based on my training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations and successful controlled-substance prosecutions involving the use of the United States Mail, I have learned of certain characteristics and/or circumstances indicating that a package may contain Drugs and/or Proceeds. These circumstances and/or characteristics include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors are emanating from the package, and the listed address is located in an area of known or suspected drug activity.

On August 21, 2019, I intercepted a package at the Piqua Post Office in Piqua, OH (hereinafter, the "Package"). The Package is a Priority Mail Box, bearing tracking number 9505515910439231325567, weighing 2 pounds 6 ounces, postmarked August 19, 2019, with the following address information:

Sender: 731 NE Ford St
McMinnville, OR
91728
Jose Morales

Addressee: 419 Summit St
Piqua, OH,
45356
Zack Myer.

Through training and experience, I am aware that Central Oregon is a known drug source location.

I did a check in CLEAR of the addressee's information on the Package of 731 NE Ford St McMinnville, OR 91728 Jose Morales [sic]. CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, there is no "Jose Morales" associated with 731 NE Ford St, McMinnville, OR 9128.

I also did a check in CLEAR of the sender's information on the Package of 419 Summit St Piqua, OH, 45356 Zack Myer. [sic]. According to CLEAR, there is no "Zack Myer" associated with 419 Summit St, Piqua, OH, 45356.

Later on A, 2019, at my request, Montgomery County Sherriff's Office Detective Anthony Hutson conducted a narcotics-detection canine check of the Package. I was present for the check. The Package was placed in a controlled area and presented to narcotics-detection canine, "Gunner." As set forth in the attached affidavit of Detective Hutson, "Gunner" alerted positively to the presence or odor of a narcotic or other controlled substance.

Based on my training and experience as a United States Postal Inspector, the Package's address information, including (i) absence of a known association between the sender and the return address, (ii) absence of a known association between the addressee and the recipient address, and (iii) the positive alert of the narcotics-detection canine are indicative of Drugs and/or Proceeds in the Package.

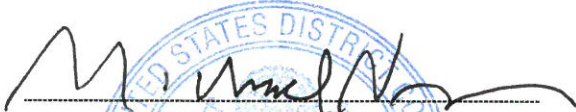
Therefore, a search warrant to open the Package is requested.

Further, your affiant sayeth naught.

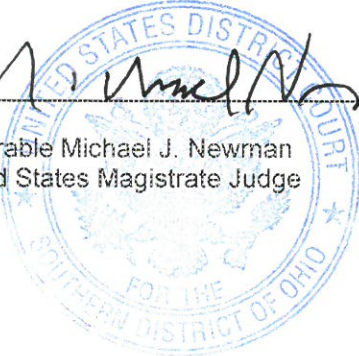


Joseph L. Rossiter
Postal Inspector

Subscribed and sworn to and before me this 22nd day of August, 2019.



Honorable Michael J. Newman
United States Magistrate Judge





UNITED STATES POSTAL INSPECTION SERVICE

PITTSBURGH DIVISION

OFFICER AFFIDAVIT

I, Officer ANTHONY HUTSON, am and have been employed by the MONTGOMERY COUNTY SHERIFF'S OFFICE since 1998. Among other duties, I am currently the assigned handler of narcotics detection canine "GUNNER" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Marijuana, Cocaine, Methamphetamine, and Heroin

On 8/21/19, at the request of Postal Inspector ROSSITER, I responded to the DAYTON P&DC, where "GUNNER" did alert to and indicate upon: [describe item]

<u>9305 5159 1043 9231 3255 67</u>	
<u>731 NE Ford St</u>	<u>419 Summit St</u>
<u>McMinnville OR</u>	<u>Piquette, OH</u>
<u>97128</u>	<u>45356</u>
<u>Jose Morales</u>	<u>Zack Myer</u>

Which, based upon my training and experience and that of "GUNNER", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

[Signature] 101 8-21-19
(Signature, Badge #, and Date)

[Signature] 8/21/19
(Witness/Date)